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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,852	09/03/2004	Gregory J. Balint	HTI-00002-US2	4654
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EXAMINER				
HUSON, MONICA ANNE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/506,852

Applicant(s)

BALINT ET AL.

Examiner

MONICA A. HUSON

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

This office action is in response to the Remarks filed 2 July 2008.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 7-10, 12, 14-16, 18-19, 21-23, 26, and 28 rejected under 35 U.S.C. 102(b) as being anticipated by Vander Kopple et al. (U.S. Patent 5,251,954). Regarding Claims 1, 12, 14, 15, 19, and 21-23, Vander Kopple et al., hereafter "Vander Kopple," show that it is known to carry out a process for making an injection molded part being made of different materials (Abstract) comprising the steps of: a) providing a press and a mold with a cavity and core, a parting line, injection nozzles, a moveable inner insert and at least one spacer mechanism that is moveable relative to the core (Figure 8); b) maintaining the parting line of the mold closed until said part is complete (Figures 8-9); c) setting said spacer mechanism to a first shot position to locate the moveable inner insert to a first shot position (Figure 8, element 72); d) closing said mold to a first shot position to set a predetermined shut height (Figure 8); e) applying clamp tonnage to the mold (Column 5, lines 43-45); f) injecting a plastic of at least one type of material to create a first part (Figure 8, element 12); g) releasing clamp tonnage (Column 5, lines 49-50); h) opening the press to a predetermined position while maintaining a closed parting line (Figures 8-9; the press is opened in that the spaces and inserts move outwardly and open a new cavity and also because the mold is unclamped at this point in time); i) setting said spacer mechanism to a second shot position (Figure 9, element 72); j) closing press and applying clamp tonnage (Column 5, lines 65-66); k) Injecting plastic of another type of material to create a second part

(Figure 9, element 34); and I) opening the press and ejecting the completed part (Column 6, lines 7-10).

Regarding Claims 2 and 7, Vander Kopple shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the inner insert is locatable between first and second positions and other positions to create multiple material parts (Figure 4).

Regarding Claims 3 and 8, Vander Kopple shows the process as claimed as discussed in the rejection of Claim 1 above, including a method further comprising the step of controlling a cycle time to enhance bonding of the materials being molded (Column 2, lines 33-35; cycle time will be appropriately controlled to yield the disclosed integral bonding).

Regarding Claim 9, Vander Kopple shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the first and second parts are overlaid (Figure 4).

Regarding Claim 10, Vander Kopple shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the spacer sets the gap for a first and second shot wall thickness (Figures 8-9).

Regarding Claims 16 and 18, Vander Kopple shows the process as claimed as discussed in the rejection of Claim 15 above, including a method wherein the materials have a different durometer rating (Column 6, lines 31-33).

Regarding Claim 26, Vander Kopple shows the process as claimed as discussed in the rejection of Claim 22 above, including a method wherein the mold core stays in contact with the cavity during the molding process to maintain the parting line closed (Figure 8).

Regarding Claim 28, Vander Kopple shows the process as claimed as discussed in the rejection of Claim 22 above, including a method further comprising the step of shifting the insert to another position and molding additional materials (Figures 8-9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vander Kopple, in view of Hardigg et al. (U.S. Patent 5,736,221). Vander Kopple shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show using gas assist during his process. Hardigg et al., hereafter "Hardigg," show that it is known to use gas assist during his injection molding process (Column 7, lines 58-61). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Hardigg's gas assist process during Vander Kopple's molding cycle in order to reduce the pressure required for packing and filling (See Hardigg, Column 7, lines 52-55).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vander Kopple, in view of Viel (U.S. Patent 4,748,796). Vander Kopple shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show application of a film during his process. Viel shows that it is known to carry out an molding process including application of a film (Claim 5). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Viel's film application step during Vander Kopple's molding cycle in order to ensure protection of the molded article (See Viel, Claim 5, Abstract).

Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vander Kopple, in view of Panfili et al. (U.S. Patent 6,726,868). Vander Kopple shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show that the two resins are of different colors. Panfili et al., hereafter "Panfili," show

that it is known to carry out a method wherein the completed part has at least two different colors (Column 5, lines 16-21). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Panfil's different colors during Vander Kopple's molding process in order for the article to have the desired physical color characteristics desired by the customer.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vander Kopple. Vander Kopple shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show four spacer mechanisms. However, mere duplication of parts has no patentable significance unless a new or unexpected result is produced (MPEP 2144.04 (VI)(B)). Therefore, It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use as many spaces as needed during Vander Kopple's molding process in order to produce the correct product having the correct configuration.

Claims 20, 24-25, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vander Kopple, in view of Nakazawa (U.S. Patent 7,070,724).

Regarding Claims 20 and 27, Vander Kopple shows the process as claimed as discussed in the rejection of Claim 19 above, but he does not show springs for biasing the core. Nakazawa shows that it is known to carry out an injection molding method wherein springs for biasing the core (Column 4, lines 9-15). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Nakazawa's springs to bias Vander Kopple's spacer (i.e. core) because springs are inexpensive but effective tools for biasing.

Regarding Claims 24-25, Vander Kopple shows the process as claimed as discussed in the rejection of Claim 22 above, but he does not show the particular way in which his insert moves. Nakazawa shows that it is known to carry out a method wherein the step of moving the insert is accomplished by moving an injection press (Figure 5(B)). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Nakazawa's method for moving the insert

during Vander Kopple's molding method in order to reduce the chances that the insert will move to an undesired location.

Regarding Claim 29, Vander Kopple shows a basic apparatus section as claimed including clamp plates, a core block, cavity block, an inner insert mechanism, and a spacer mechanism (Figures 8-9). He does not show hydraulic cylinders, parallel members on an upper side of the cavity block, a manifold retainer plate, an ejector retainer plate, a first shot manifold, a second shot manifold, and ejector cylinders. Nakazawa shows these elements in Figures 1, 2, and 5. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Nakazawa's entire apparatus view as teachings of the peripherals needed outside the section showed by Vander Kopple in order for the apparatus as a whole to function properly.

Response to Arguments

Applicant's arguments, see Remarks, filed 2 July 2008, with respect to the rejection(s) of claim(s) 1-29 under Panfili have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Vander Kopple.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA A. HUSON whose telephone number is (571)272-1198. The examiner can normally be reached on Monday-Friday 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica A Huson
Primary Examiner
Art Unit 1791

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